

**SAN DIEGO SUPERIOR COURT  
SMALL CLAIMS INFORMATION SHEET #2**

**SERVING THE PARTIES**

**HOW SHOULD I SERVE?**

<b>Method of Service</b>	<b>Personal Service</b>	<b>Substituted Service at a business</b>	<b>Substituted Service at the defendant's home</b>	<b>Certified Mail Service</b>
<b>How Served</b>	A copy of the claim is handed personally to the defendant	A copy of the claim is personally delivered to the business office and left with a person in charge during usual business hours. Thereafter a copy of the claim must be mailed to the defendant at the same address where the claim was personally delivered.	A copy of the claim is personally delivered to the defendant's home and left with a competent member of the household who is at least 18 years of age. That person must be informed of the contents of the complaint. Thereafter, a copy of the claim must be mailed to the defendant at the same address where the claim was personally delivered.	By mail
<b>By Whom</b>	Anyone over 18 who is not a party to the lawsuit; i.e. Sheriff, registered process server, private individual	Anyone over 18 who is not a party to the lawsuit; i.e. Sheriff, registered process server, private individual	Anyone over 18 who is not a party to the lawsuit; i.e. Sheriff registered process server, private individual	Clerk prepares and forwards to post office for delivery
<b>Cost</b>	Sheriff = \$30 (Or current fee)	Sheriff = \$30 (Or current fee)	Sheriff = \$30 (Or current fee)	\$8
<b>When</b>	Serve at least 15 days prior to hearing if in county; 20 days if out of county	Serve by mail at least 25 days prior to hearing if in county; 30 days prior if outside county	Serve by mail at least 25 days prior to hearing if in county; 30 days prior if outside county	Same as personal service

**Drawbacks to Certified Mail**

Certified mail is the least successful method of service for these reasons:

The defendant can refuse or avoid service.

If someone other than the defendant signs the receipt, the service is invalid.

The case will be delayed if service is invalid. You may have to return to court to reset the hearing for another date.

It is difficult to trace certified mail if you do not receive a return receipt from the Post Office.

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<b>IF DEFENDANT IS A (AN)...</b>	<b>THEN SERVE ...</b>
<b>Minor</b>	The parent, guardian or conservator. If the minor is at least 12 years of age, a copy of the claim must be given to the minor as well
<b>Individual</b>	The individual
<b>Sole proprietorship</b>	The sole proprietor (owner)
<b>Corporation</b>	Any corporate officer or the authorized agent for service of process
<b>Partnership</b>	A general partner
<b>Non-resident owner/operator of a motor vehicle</b>	The Director of Motor Vehicles of California by certified mail and include a \$2.00 processing fee. Once the DMV sends a notice of service, a copy of that notice and a copy of the claim must be sent by registered mail or by personal service to the out-of-state defendant
<b>Nonresident owner of real property in CA who lives outside CA</b>	The owner at his out-of-state address if he does not have a lawfully designated agent (property manager) in California for service of process. If the owner has an agent (property manager) residing in California, the agent can be served with the claim on behalf of the owner

***IN ALL CASES, SERVICE MUST BE DONE BY SOMEONE OTHER THAN THE PLAINTIFF .***